

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group II in the reply filed on 28 March 2008 is acknowledged. The traversal is on the ground(s) that the two groups of claims are in related pipe technology. This is not found persuasive because the search for the method of installing a pipeline into a bore hole would not necessarily require a search for a protective covering for a pipe.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-26, 30, 31 and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4,643,229 to **Hickin**.

The patent to **Hickin** discloses a pipe (17) with a protective covering and a flexible sleeve (10a) surrounding the pipe, wherein the flexible sleeve is comprised of a continuous length of a flexible, woven, seamless sleeve material, as recited in claims 24-26. The sleeve extends the length of the hose, as recited in claims 30, 31, 35 and

36. Hickin discloses that the sleeve is formed of a light, flexible and durable material such as a vinyl or other plastic coated and/or impregnated fabric. **Hickin** also discloses a coupler (15, 15a) at the end of the pipe for holding the flexible sleeve on the pipe, as recited in claims 37 and 38. The coupler also includes inner members (14, 16) wherein the flexible sleeve is disposed between the inner and outer members, clamps (15, 15a).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hickin** in view of U.S. 5,413,149 to **Ford et al.**

The patent to **Hickin** discloses the sleeve as being a woven material, but does not specifically disclose it as being a polyester material. The patent to **Ford et al.** discloses a shaped fabric product being well adapted for protecting elongated articles, such as hoses and conduits and other elongated flexible articles, having a longitudinal dimension being substantially greater than the width, diameter or girth of the product.

It is disclosed that products of woven fabrics, have excellent flexibility and exceptional kink and abrasion resistance. It is disclosed that the sleeve has a twill pattern, and is comprised of synthetic fibers, having a good balance of high tensile properties, compressive and shear strength, as well as impact resistance, such as polyesters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sleeve of **Hickin**, such that it is formed of a twill weave woven polyester material, as suggested by **Ford et al.** in order to protect the hose and provide high tensile properties, as well as impact resistance.

4. Claims 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hickin** in view of **Ford et al.** and **Neidhardt**.

The patent to **Hickin**, as discussed in the preceding paragraph discloses a woven sleeve, but does not specifically disclose the material of which it is formed. The patent to **Ford et al.** discloses the use of a twill woven polyester material and further disclose that it is known to provide this type of sleeves over elongated objects, such as pipes and conduits since they provide a balance of high tensile properties, compressive and shear strength, as well as impact resistance. The patent to **Neidhardt** discloses a tubular fabric coated with plastics such as thermoplastic polyurethane material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sleeve of **Hickin** such that it is

as woven polyester as suggested by **Ford et al.** and to include a thermoplastic polyurethane, as suggested by **Neidhardt** in order to produce a flexible sleeve with improved durability or abrasion resistance and a preferred degree of flexibility.

5. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hickin**.

**Hickin** discloses the plurality of fasteners, but does not disclose the fasteners being arranged in a staggered configuration. It would have been an obvious matter of design choice to provide the plurality of fasteners in staggered configuration, since applicant has not disclosed that solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the fasteners aligned longitudinally. Therefore, it would have been prima facie obvious at the time the invention was made to modify **Hickin** to obtain the invention as specified in claim 41 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of **Hickin**.

#### ***Allowable Subject Matter***

6. Claims 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited are pertinent to Applicant's invention in disclosing sleeves around pipelines and a connection member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

Art Unit: 3754

assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/  
Primary Examiner, Art Unit 3754

P. F. Brinson  
June 4, 2008